

## **Remarks/Arguments**

Reconsideration is respectfully requested. Claims 1-9, 13-20, and 22-30 are pending. Claims 1-25 are rejected. Claims 1-7, 9, 13-14, 16-18, 20, 23, and 25 are amended. Claims 10-12 and 21 are cancelled herein without prejudice. Claims 26-30 are newly added.

For the reasons set forth below, Applicants respectfully submit that all pending claims are allowable.

### **I. Rejections under 35 USC §112**

#### **A. Rejection of Claims 1-25 Under 35 USC §112, first paragraph**

Claims 1-25 are rejected under 35 USC §112, first paragraph, as failing to comply with the enablement requirement. See Office Action page 2.

Preliminarily, in view of cancellation without prejudice of claims 10-12 and 21, rejections of these claims are now moot.

In view of the amendment set forth above to the pending claims, Applicants respectfully request the Examiner to approve the amendment and withdraw the rejections under 35 USC §112, first paragraph. Support for the amendment to the claims can be found throughout the application specification and/or figures as filed.

#### **B. Rejection of Claims 4, 14, and 16-25 Under 35 USC §112, second paragraph**

Claims 4, 14, and 16-25 are rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. See Office Action page 3.

Preliminarily, in view of cancellation without prejudice of claim 21, rejection of claim 21 is now moot.

Based on the amendment to the claims set forth above, Applicants respectfully submit that the pending claims meet the requirements set forth in 35 USC §112, second paragraph. Support for the claim limitations can be found throughout the specification

and/or figures of the present application as filed. Accordingly, Applicants respectfully request the Examiner to approve the amendment to the claims set forth above, and withdraw the rejections to the same.

## **II. Rejections under 35 USC §101**

Claims 1-25 are rejected under 35 USC §101 because the claimed invention is directed to non-statutory subject matter. See Office Action page 5.

Preliminarily, in view of cancellation without prejudice of claims 10-12 and 21, rejections of these claims are now moot.

In view of the amendment to the pending claims set forth above, Applicants respectfully submit that the pending claims are directed to statutory subject matter, and further, that the requirements set forth in 35 USC §101 are met. Accordingly, Applicants respectfully request the Examiner to withdraw the rejections of the same.

## **III. Obviousness Rejections**

Claims 1 and 6 are rejected under 35 USC 103(a) as being unpatentable over US Patent No. 6,540,512 (Sachdeva) in view of US Publication No. 2003/0163291 (Jordan, et al.). See Office Action page 6. Examiner cited the Jordan, et al. reference as US Publication No. 2002/0163291. Applicants assume this is an unintentional typographical error and assume the Examiner intended to reference US Publication No. 2003/0163291.

Claims 2, 13, 15, and 16 are rejected under 35 USC 103(a) as being unpatentable over Sachdeva in view of Jordan, et al., and further in view of US Patent No. 5,975,893 (Chishti, et al.). See Office Action page 8. Claims 3 and 4 are rejected under 35 USC 103(a) as being unpatentable over Sachdeva in view of Jordan, et al., in further view of Chishti, et al., and further in view of US Patent No. 6,471,511 (Chishti, et al.). See Office Action page 9. Claims 5, 7-12, 14, and 25 are rejected under 35 USC 103(a) as being unpatentable over Sachdeva in view of Jordan, et al., and further in

view of US Patent No. 6,471,511 (Chishti, et al.). See Office Action page 10. Finally, claims 17-24 are rejected under 35 USC 103(a) as being unpatentable over Sachdeva in view of Jordan, et al., and further in view of Official Notice. See Office Action page 14.

Preliminarily, in view of cancellation without prejudice of claims 10-12 and 21, rejections of these claims are now moot.

Claim 1 is now directed to a combination including storing in a database data or information related to at least one of patient treatment history, an orthodontic therapy, orthodontic information, diagnostics, or orthodontic treatment outcome; and interrogating said database to generate an output data stream correlating a patient malocclusion with an orthodontic treatment parameter, interrogating said database including iteratively determining one or more statistically relevant patterns of different orthodontic related treatment outcome based comparable malocclusions and the respective orthodontic therapy; and associating said output data stream in said database with said malocclusion and storing the associated output data stream in said database.

As understood, none of the cited references disclose or otherwise render obvious the claimed combination set forth in pending independent claim 1. Accordingly, Applicants respectfully submit that claim 1, and claims 2-9, 13-20 and 22-25 dependent therefrom, are allowable.

#### **IV. New Clams 26-30**

Claim 26 is directed to a combination including receiving one or more parameters associated with a current malocclusion condition of a patient, accessing a database including stored information related to one or more of a patient treatment history, an orthodontic therapy, orthodontic information, diagnostics, or orthodontic treatment outcome, wherein a clustering operation has been or is performed on the accessed information from the database to detect one or more patterns in the accessed

information, the one or more patterns associated with one or more treatment outcome or a predetermined level of treatment complication; associating a predefined risk parameter to each detected one or more patterns based on the clustering operation; generating an orthodontic related treatment information for the current malocclusion condition of the patient; and outputting the generated orthodontic related treatment information to a display device.

Claim 29 is directed to a combination including one or more processors; and a memory for storing instructions which, when executed by the one or more processors, causes the one or more processors to access a database including stored information related to one or more of a patient treatment history, an orthodontic therapy, orthodontic information, diagnostics, or orthodontic treatment outcome based at least in part on a received current malocclusion condition of a patient, to perform a clustering operation on the accessed information from the database to detect one or more patterns in the accessed information, the one or more patterns associated with one or more treatment outcome or a predetermined level of treatment complication, to associate a predefined risk parameter to each detected one or more patterns based on the clustering operation, and to generate orthodontic related treatment information for the current malocclusion condition of the patient.

Support for newly added claims 26-30 can be found throughout the specification and/or figures.

As understood, none of the cited references disclose or otherwise render obvious the claimed combination set forth in claims 26 and 29 of the present application. Accordingly, Applicants respectfully submit that newly added claims 26 and 29, and claims 27-28 and 30 dependent therefrom respectively, are allowable.

In view of the foregoing, Applicants respectfully submit that all pending claims are allowable, and request the Examiner's early examination of the pending claims in the present application. In the event that the Examiner deems a telephonic or in person discussion would be helpful in advancing the prosecution of the present application, Applicants respectfully request the Examiner to contact Applicants' representative at (510) 652-6418, x82.

Respectfully submitted,  
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